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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 GREGG MULHOLLAND,
12 Petitioner,
13 v.
14 PAUL THOMPSON.,
15 Respondent.
16

No. 2:21-CV-1364-DJC-DMC-P

ORDER

17 Petitioner, a federal prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus under 28 U.S.C. § 2241.

19 On July 19, 2023, Petitioner filed an amended petition after Respondent had
20 moved to dismiss, without stipulation, and without leave of Court, in violation of Federal Rule of
21 Civil Procedure 15. Where a party files an amended pleading without the right to do so, it is
22 properly stricken by the Court. See, e.g., Hardin v. Wal-Mart Stores, Inc., 813 F. Supp. 2d 1167,
23 1181 (E.D. Cal. 2011) (striking fourth amended complaint: “If an amended pleading cannot be
24 made as of right and is filed without leave of court or consent of the opposing party, the amended
25 pleading is a nullity and without legal effect.”); Sexton v. Spirit Airlines, Inc., Case No. 2:21-cv-
26 00898-TLN-AC, 2022 WL 976914 (E.D. Cal. March 31, 2022) (striking amended complaint);
27 Guthrie v. Hurwitz, Case No. 1:18-cv-00282-AWI-BAM, 2018 WL 4005261, at *1 (E.D. Cal.
28 Aug. 20, 2018) (striking amended complaint).

1 Accordingly, IT IS HEREBY ORDERED that the amended petition filed on July
2 19, 2023, ECF No. 34, is STRICKEN.

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4 Dated: August 17, 2023

A handwritten signature in dark ink, appearing to read 'Dennis M. Cota', written over a horizontal line.

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE